

**Dr. Rajeev Sood Vs. Star Health & Allied Insurance Co. Ltd.  
CS No. 392/2021**

**21.10.2023**

Present : Sh. Dhurjati Verma, Ld. Counsel for the plaintiff.

Ms. Shuchi Sood, Ld. Counsel for the defendant.

An application is moved U/s.151 CPC for recalling the order of 26.09.2023 vide which right of the defendant to lead evidence was closed.

Ld. Counsel for the plaintiff submits that he has no objection to that but should be subject to heavy cost.

As per record, the PE was closed on 18.08.2023 and case was fixed for DE for 26.09.2023. The defendant was directed to file list of witnesses and evidence affidavit within one month providing advance copy to the plaintiff. This order has not been complied with and due to this reason, DE was closed on 26.09.2023.

In view of the facts and circumstances explained, the order closing the DE is recalled.

Ld. Counsel for the plaintiff submits that they want to examine only one witness namely Sh. Sumit Kumar Sharma, Sr. Manager of the defendant. She submits that his evidence affidavit has been filed along with the application and copy of the same has been provided to Ld. Counsel for the plaintiff.

Accordingly, put-up for DE on **07.11.2023**.

**(Sanjay Garg-I)**

Principal District & Sessions Judge

New Delhi District

Patiala House Courts/ND/21.10.2023<sub>(mc)</sub>